

ESTTA Tracking number: **ESTTA3451**

Filing date: **11/25/2003**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	Autodesk, Inc.
Granted to Date of previous extension	11/28/2003
Address	Autodesk, Inc. 111 McInnis Parkway San Rafael, CA 94903 UNITED STATES

Correspondence information	Michael J. Hughes IPLO Intellectual Property Law Office 1901 South Bascom Avenue Suite 660 San Rafael, CA 950082209 UNITED STATES michaelh@iplo.com Phone:408-558-7890
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Applicant Information

Application No	78069378	Publication date	07/01/2003
Opposition Filing Date	11/25/2003	Opposition Period Ends	11/28/2003
Applicant	Dassault Systemes S. A.		
Address	9, Quai Marcel Dassault Suresnes, 92150 FRANCE		

Goods/Services Affected by Opposition

Class 009. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: COMPUTER SOFTWARE, NAMELY 2D AND 3D SOFTWARE FOR DIGITAL PRODUCT CONCEPTION, DESIGN, VISUALIZATION, MODELING AND SIMULATION OF NEW PRODUCTS, MANUFACTURING PROCESSES AND PRODUCT LIFESTYLE MANAGEMENT IN RESPECT OF ALL TYPES OF CONSUMER AND COMMERCIAL PRODUCTS; CAD/CAM/CAE SOFTWARE FOR USE IN DIGITAL PRODUCT CONCEPTION, DESIGN, VISUALIZATION, MODELING AND SIMULATION OF NEW PRODUCTS, MANUFACTURING PROCESSES; MANUFACTURING AND PRODUCTION MANAGEMENT AND MONITORING SOFTWARE, PROJECT MANAGEMENT SOFTWARE, MODELING SOFTWARE, SOFTWARE FOR PROCESSING, MANAGING, ADMINISTERING, MODELING, ANALYZING, PLANNING, CONTROLLING, MONITORING OR SHARING OF RESOURCES, PROJECTS, OR TECHNICAL DATA, INDUSTRIAL DATA, BUSINESS DATA, FINANCIAL DATA, MANAGEMENT DATA, AND CORPORATE PROCESSES; INTEROPERABILITY SOFTWARE, NAMELY, COMPUTER SOFTWARE FOR MANAGING KNOWLEDGE, INFORMATION, AND EXPERTISE PERTAINING TO PRODUCT DESIGN AND MANUFACTURING; GROUPWARE AND COLLABORATIVE TASK ENHANCEMENT SOFTWARE TO ENABLE COMMUNICATIONS AMONG PRODUCT DESIGNERS, MANUFACTURING MANAGERS, AND SHOP FLOOR SUPERVISORS; COMPUTER SOFTWARE DEVELOPMENT TOOLS, ELECTRONIC DATABASES IN THE FIELD OF TECHNICAL DATA, INDUSTRIAL DATA, BUSINESS DATA, FINANCIAL DATA, BUSINESS DATA, FINANCIAL DATA, MANAGEMENT DATA, AND CORPORATE PROCESSES RECORDED ON COMPUTER MEDIA

Class 035. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: BUSINESS ORGANIZATION CONSULTATION; BUSINESS INFORMATION IN THE FORMS OF SOFTWARE, MIDDLEWARE, COMMUNICATION TECHNOLOGIES AND RELATED ACTIVITIES; ARRANGING AND CONDUCTING BUSINESS CONFERENCES; CHARITABLE FUNDRAISING; ORGANIZATION OF TRADE FAIRS FOR COMMERCIAL OR ADVERTISING PURPOSES; BUSINESS ORGANIZATION CONSULTANCY

Class 038. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: TELECOMMUNICATIONS SERVICES, NAMELY, LOCAL AND LONG DISTANCE TRANSMISSION OF VOICE, DATA AND GRAPHICS BY MEANS OF TELEPHONE, TELEGRAPHIC, CABLE AND SATELLITE TRANSMISSIONS; PROVIDING TELECOMMUNICATIONS TO A GLOBAL COMPUTER/COMMUNICATIONS NETWORK

Class 041. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: ORGANIZATION OF

EDUCATIONAL EXHIBITIONS IN THE FIELD OF DIGITAL ENTERPRISE SOLUTIONS FEATURING COMPUTER AIDED DESIGN, ENGINEERING, MANUFACTURING, AND PRODUCT DATA MANAGEMENT; EDUCATION SERVICES, NAMELY, CONDUCTING SEMINARS IN THE FIELD OF DIGITAL ENTERPRISE SOLUTIONS FEATURING COMPUTER AIDED DESIGN, ENGINEERING, MANUFACTURING, AND PRODUCT DATA MANAGEMENT AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH

Class 042. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: COMPUTER PROGRAMMING FOR OTHERS; COMPUTER SOFTWARE DESIGN FOR OTHERS; MAINTENANCE OF COMPUTER SOFTWARE; COMPUTER SOFTWARE AND SYSTEMS CONSULTATION; COMPUTER SERVICES BY ALL COMMUNICATION MEANS, INCLUDING ON-LINE OR VIA INTERNET, NAMELY, COMPUTER SERVICES RELATED TO SOFTWARE, COMPUTER SYSTEM DESIGN, EDITION, INSTALLATION, ADAPTATION AND UPDATING OF COMPUTER SOFTWARE, CREATING AND MAINTAINING OF WEB SITES, HOSTING COMPUTER SITES, DESIGN, REALIZATION AND UPDATING OF DATABASES

Attachments

OppGrounds 60038.4029.01 y2503.txt (1 page)

The grounds for opposition are as follows:

1. Since well before the Applicant's application and claimed dates of use, Opposer has extensively promoted and sold computer software in the graphics, design, animation and multimedia fields in connection with marks having the component "3DS", throughout the world and in the United States. Applicant has long used the mark 3D STUDIO and, more recently 3DS MAX as a principal trademark for one of its main product lines. As a result of this, the mark 3DS has achieved public recognition throughout the United States and the world, and is recognized as being associated with Opposer and its products.
2. Opposers are the owners of various registrations for the trademark 3DS MAX in United States (Registration No. 2733869) in the European Community (Reg. No. 1936822) and in other areas of the world.
3. The software and related products of Opposer and those of Applicant are sufficiently closely related that consumer confusion is likely, based upon the stated goods set forth in the application and upon marketplace realities. Opposer and Applicant are direct competitors.
4. Applicant's mark "3DS" (to the extent it is interpreted as such) appropriates a principal component of Opposer's marks. Opposer does not particularly object to the graphical representation of Applicant's mark. However that mark is described as having the alphanumeric identity to "3DS" to which Opposer strenuously objects. Opposer specifically objects to the characterization of the mark as "3DS" and use by Applicant as such, rather than to the visual mark itself.
5. In view of the similarity of the marks and the goods of Applicant and Opposer, it is alleged that Applicant's mark so resembles Opposer's previously used mark, as to be likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer respectfully requests that application Serial No. 78/069378 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.